

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

GEOFFREY R. LAWSON, SR.,

Plaintiff,

vs.

BRENT CARNEY, et al.,

Defendants.

Case No. 2:15-CV-00184-JPH

**ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION AND DENYING AS
MOOT PLAINTIFF'S MOTION
TO SERVE DEFENDANT
SABATINO**

Plaintiff, a prisoner at Airway Heights Corrections Center, moved for a preliminary injunction. He alleges he cannot eat the kosher diet provided to him because it contains soy and he is allergic to it. ECF No. 2. He appears pro se. Defendants Carney, Knie, Luce and Murphy, represented by Assistant Attorney General Brian J. Considine and Assistant Attorney General Jerry P. Scharosch, have responded. ECF No. 16. [Defendant Sabatino has not been served, ECF No. 16 at n.1, but Assistant

1 Attorney General Jerry P. Scharosch has appeared on Sabatino's behalf,
2 making Plaintiff's motion to serve Sabatino, **ECF No. 23, moot.**] Plaintiff's
3 request for an extension of time for filing a reply was granted and any reply
4 was due October 27, 2015. ECF No. 18, 19. Plaintiff untimely filed a reply
5 on November 5, 2015. The Court considered the untimely filed reply. ECF
6 No. 23. The Court decided the motion on the date signed below. After
7 considering the matter,
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11 **IT IS ORDERED:**

12 The Court **denies** the motion for a preliminary injunction, **ECF No. 2**, at
13 this time. Presently Plaintiff fails to show he is likely to prevail on the
14 merits of his claim of a food allergy, but it is unclear. At this time it is also
15 unclear whether he suffers irreparable injury as a result of receiving kosher
16 meals. And at this stage it is unclear whether equity and public interest
17 warrant the extraordinary and drastic remedy of a preliminary injunction.
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19 *See Mazuek v. Armstrong*, 520 U.S. 968, 972 (1997)(citation omitted).
20
21

22 Accordingly, IT IS FURTHER ORDERED that the Defendants are
23 ordered to **arrange for the Plaintiff to be medically tested** for any soy or
24 other food allergies **and provide those results to the Plaintiff within 30**
25 **days of this Order.** If said medical testing reveals a soy or other food
26 allergy, Plaintiff is granted leave to seek further relief from the Court.
27
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DATED this 12th day of November, 2015.

S/ James P. Hutton

JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE